REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2 and 4-5 are pending in the present application. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 4 and 5 stand rejected on the ground of nonstatutory obviousness-type double patenting over U.S. Patent Application No. 2004/0058696; and Claims 1-2 and 4-5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Gosselin (International Patent Application Publication No. WO 01/885) and Bechmann et al. (U.S. Patent Application No. 2003/0022683) in view of Jellema et al. (U.S. Patent No. 6,707,900, hereinafter "Jellema").

OBVIOUSNESS-TYPE DOUBLE PATENTING

The current claims are rejected on the ground of nonstatutory obviousness-type double patenting with respect to co-pending U.S. Patent Application No. 2004/0058696. As such, the current form of the present claims as well as those of the co-pending application are not fixed. Thus, Applicants will defer the filing of a terminal disclaimer in accordance with MPEP § 804 until such time that these provisional double patenting rejections become the only outstanding rejection remaining in either case. This deferment will ensure that only a single disclaimer is filed. Thus, the burden on the USPTO which would otherwise be created by multiple terminal disclaimer filings is avoided.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-2 and 4-5 under 35 U.S.C. § 103 as being unpatentable over Gosselin and Bechmann in view of Jellema. The Official Action cites Gosselin and Bechmann as describing all of the features of the Applicants' claims with the exception of relaying only a predetermined number of response signals. However, the

Official Action cites Jellema as describing this more detailed aspect of the Applicants' claims and states it would have been obvious to one of ordinary skill in the art at the time the advancements were made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, a base station supporting multicast communication, including:

> a response signal relay configured to transfer response signals transmitted from a plurality of mobile stations to a radio network controller, the response signals responding to a control signal for a multicast group; and wherein
>
> the response signal relay transfers only a predetermined number of response signals to the radio network controller, and any following response signal is retained. (emphasis added).

Gosselin describes a wireless network which supports a multicast-enabled communication protocol. For example, as shown in Figure 1, the communication system includes a plurality of individual cells (10), each cell including a base station (30) for communicating with wireless communication devices (40). Signaling traffic is reduced within the communication system by implementing a multicast communication scheme either alone or in combination with the unicast communication scheme.[1]

Bechmann describes a method of transmitting multicast messages in which resource allocation is performed in preparation for the transmission of the multicast messages. In operation, a radio network control (RNC) of the mobile radio system reserves resources within a radio cell and assigns resources to a particular mobile station for a particular time so that a resource is dedicated to a mobile station within a time specified. The allocation of a time slot to a particular mobile station makes it possible to send a regularly occurring data traffic to the mobile station in an efficient manner.[2] For example, common transport channels

[1] See Gosselin at page 11; Figure 1.
[2] Bechmann at paragraph [0029].

in common physical channels under which the common transport channel is mapped may be assigned to receivers belonging to a multicast group. The common channel is a channel which can be read or listened to by all receivers. In this way, receivers may listen for a multicast message at a designated time.[3]

Jellema describes a method of dynamic load limiting in which a service switching points counts the number of call attempts received from service switching points at a service control point for rejecting call attempts above a certain threshold.[4]

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, a response signal is provided from a plurality of mobile stations upon reception of a control signal for a multicast group. A response signal is a response to a control signal of a multicast group. A response signal relay of a base station transfers only a predetermined number of response signals to a radio network controller, additional response signals beyond the predetermined number being retained by the base station.

As can be appreciated, Gosselin describes a multicast system similar to that described in the Applicants' background section. Bechmann is directed to the allocation of resources (i.e. timing) at a transmission side. The particular time a mobile station may correctly receive a multicast message is managed in Bechmann

Jellema counts the number of call requests (i.e., independently initiated) from service switching points. Call requests are not response signals provided in response to control signals of a multicast group as currently claimed. Simply stated, call attempts are independent, while control signals as claimed generate corresponding response signals. Thus, the limiting of device initiated requests as taught in Jellema would not suggest Applicants' claimed advancement of controlling the response of a multicast group.

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[3] Bechmann at paragraph [0013].
[4] Jellema at Figure 2.

As such, neither Gosselin, Bechmann nor Jellema alone or in combination describe a base station having a response signal relay for transferring response signals which correspond to a multicast control signal provided to a plurality of mobile stations of the multicast group in which the response signal transfers only a predetermined number of response signals to a radio network controller and any following response signals being retained as recited in Applicants' Claim 1 or any claim depending therefrom. Likewise, as independent Claim 4 recites substantially similar limitations to that discussed above, Applicants respectfully submit that this claim and any corresponding dependent claim are likewise allowable over the cited references.

Accordingly, Applicants respectfully request that the rejection of Claims 1-2 and 4-5 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-2 and 4-5, is patentably distinguished over the prior art, and condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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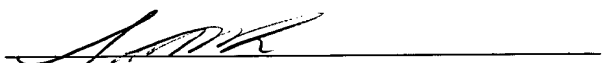

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